UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,716	06/29/2001	Venkatesh Kambhammettu	42390P11148	6479

7590 01/29/2004	EXAMINER
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP	TRUONG, LECHI

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DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2001* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-23 are presented for examination.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims **1, 2, 3,15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reiner (US. Patent 6,219,676 B1) in view of Kaufer et at (US. Patent 6,519,763 b1).

4.   **As to claim 1**, Reiner teaches periodic audits (content is added, changed or deleleted ...

update may be form of time stamp, col 7, ln 30-65), the customer system (the server 14a, col 7,

ln 30-65/ col 9, ln 5-35), information (the data, col 9, ln 5-35), an application server (cache sever

14b/ cache coherency includes a processor for running operating code, col 2, ln 35-62/ col 7, ln

30-65/ col 9, ln 5-35), network (networks N1, col 5, ln 20-39, Fig. 1), determining whether the

changes (determine whether an update have occurred, col 7, ln 30-65), monitoring (monitor

area, col 2, ln 35-60).

5.   Reiner does not teach an agent program that collects information. However, Kaufer teaches an agent program that collects information (collector data program, computer system comprising ... data collectors, col 2, ln 55-67/ col 7, ln 20-45).

6.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kaufer and Reiner because Kaufer's "collector data program" would extract data from tools, to accumulate data and to collect data for the evolution of schedule including estimated cost, available functionality and quality level.

7.   **As to claim 2,** Reiner teaches a predetermined set of information (the time stamp, col 7, ln 30-65/ predetermined set of factor, col 9, ln 25-45), the customer system (web server 14a, col 7, ln 30-65), a set of change (update has occurred/ the change log 112 has been altered, col 7, ln 30-63), a predermined set of information recorded during a previous audit (the time it last checked, col 7, ln 40-63), comparing (compare, col 7, ln 40-63), storing said change date on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network(networks N1, col 5, ln 20-39).

8.   **As to claim 3,** Reiner teaches operating system files, file system, registry, and application software files (file type (graphic, web page), section or directory ... or by some other means, col 8, ln 18-40).

9.   **As to   claim 15, 16, 17,** they are apparatus of claims 1, 2, 3. Therefore, they are rejected for the same reasons as claim 1, 2, 3 above.

10.   Claims **4, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Kaufer et ak (US. Patent 6,519,763 b1) and further in view of McDonald et al (US. Patent 6,530,065 B1).

11.   **As to claim 4,** Reiner and Kaufer do not teach compress. However, McDonal teaches compress (compressing the waveform file for transmission, col 16, ln 60-67)/ compressing the reduced waveform data, col 37, ln 1-5)

12.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of McDonald, Reinerand Kaufer. Because, McDonal's compress would provide the efficient transmission between the client and server.

13.   **As to claim 18,** it is an apparatus of claim 4. Therefore, it is rejected for the same reason of claim 4 above.

14.   Claim **5, 6, 7, 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Kaufer et at (US. Patent 6,519,763 b1) and in view of Jim Whitehead (Re: Snapshots) and further in view of Blea et al (US. Patent 6,212,531 B1).

15.   **As to claim 5,** Reiner teaches the customer system (the server 14a, col 7, ln 30-65/ col 9, ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last checked, col 7, ln 40-63), comparing (compare, col 7,ln 40-63), storing said change date on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network (networks N1, col 5, ln 20-39).

16.   Reiner and Kaufer do not teach X and Y as snapshot, checking out, checking in.
However, Jim Whitehead teaches X and Y as snapshot, checking out, checking in (defining a
snapshot as being just a special kind of collection that you can check out, freely add and delete
members, and then check-in, page 2, ln 1-5-24).

17.   It would have been obvious obvious to one of ordinary skill in the art at the time the
invention was made to combine the teaching of Reiner, Kaufer, and Jim Whitehead because
Jim's snapshot, check in, check out would   roll back to any state quicker.

18.   Reiner Kaufer and Jim Whitehead do not teach suspending periodic auditing when taking
a snapshot and resuming periodic auditing. However, Blea teaches suspending periodic auditing
when taking a snapshot and resuming periodic auditing (suspend any futher updates to source
volume and perform snapshot to source volume and resume updates to source data / Fig. 3).

19.   It would have been obvious to one of ordinary skill in the art at the time the invention
was made to combine the teaching of Blea, Reiner, Kaufer, and Whitehead because Blea's
"suspend and update to source" would provides a logically consistent view of the source virtual
volume at a common point in time.

20.   **As to   claims 6, 7, 19-21,** they are apparatus claims of claims 3, 4, 5. Therefore, they are
rejected as the same reasons of claims 3-5 above.

21.   Claims **8, 9, 22, 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner
(US. Patent 6,219,676 B1) in view of Kaufer et al (US. Patent 6,519,763 b1) and further in view
of BrainTree (Policy manager).

22.   **As to claim 8,** Reiner teaches the change data (content is added, changed or deleleted ...

update may be form of time stamp, col 7, ln 30-65).

23.   Reiner and Kaufer do not teach a set of rule from a database server, applying the set of

rule the change data to determine whether any of said set of rules has been violated and taking an

action associated with a rule violated. However, BrainTree teaches a set of rule from a database

server, applying the set of rule the change data to determine whether any of said set of rules has

been violated and taking an action associated with a rule violated (the set of standard rules

covering all aspects of database security, a rule evaluation engine, which a violation may occur,

since the violation records contain ... indirect security loopholes are quickly exposed and

resolved, page 2, left col, ln 1-47 to right col, ln 1-1-20).

24.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of BrainTree, Reiner and Kaufer because Brain Tree's "the

set of standard rules covering all aspects of database security, a rule evaluation engine, which a

violation may occur" would allow security administrators, database administrators, and auditors,

to define, implement and enforce security policies in client/serser RDBMS environments.

25.   **As to claim 9,** BrainTree teaches the rule base which may be stored in any database

(page 2, left col, ln 1-47).

26.   **As to   claims 22,** 23. They are apparatus claim ; of claims 8- 9. Therefore, they are

rejected for the same reasons as claim 8-9 above.

27.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Michael L. nelson (The NASA Technical report server).

28.   **As to claim 10,** Reiner teaches a customer system available in a manager hosting server

(the server 14a, col 7, ln 30-65/ col 9, ln 5-35), an application server (cache sever 14b/ cache

coherency includes a processor for running operating code, col 2, ln 35-62/ col 7, ln 30-65/ col 9,

ln 5-35) a network (signal line 16, Fig. 1), data change based on audit data (content is added,

changed or deleleted ... update may be form of time stamp, col 7, ln 30-65), a database server

(the consolidate log 120, col 8 / ln 19-30/maintaining a change log at the web sever, col 2, ln 46-

60/ col 10, ln 10-67),   change data (the change of every object on the web server 14 a, col 8,ln

19-25), a command center (the client 18/ the end of user, col 9, ln 45-59/ Fig. 1), network (

signal line 16 b, col 5, ln 40-60/ Fig. 1).

29.   Reiner does not teach the report server to generate reports of the server. However, Nelson

teaches the report server to generate reports of the server (technical report server (NTRS) to

update and maintain data locally ... to various servers, sec: Services Provided/ Fig. 2).

30.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Nelson and Reiner because Nelson 's the report server

would provide a slow use access time, non compatibility with clients behind firewalls and non

compatibility with non-WAID database.

31.   Claims **11-12**   are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner

(US. Patent 6,219,676 B1) in view of Michael L. nelson (The NASA Technical report server)

and further in view of Kaufer et at (US. Patent 6,519,763 b1).

32.   **As to claim 11,** Reiner and Nelson do not teach an agent program that collects

information. However, Kaufer teaches an agent program that collects information (collector data

program, computer system comprising ... data collectors, col 2, ln 55-67/ col 7, ln 20-45).

33.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching Kaufer, Reiner and Nelson because Faufer 's "an agent

program that collects information" would extract data from tools utilizes to accumulate data and

to collect data for evolution of schedule including estimated cost, available functionality and

quality level.

34.   **As to   claim 12,** it is an apparatus claim of claims 2. Therefore, they are rejected for the

same reason as claim 2 above.

35.   Claim **13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Michael L. nelson (The NASA Technical report server) and

further in view of Kaufer et at (US. Patent 6,519,763 b1) and further in view of McDonald et al

(US. Patent 6,530,065 B1).

36.   **As to claim 13**, it is an apparatus claim of claims 4. Therefore, it is rejected for the same

reason as claim 4 above.

37.   Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Michael L. nelson (The NASA Technical report server) in view

of Jim Whitehead (Re: Snapshots) further in view of Blea et al (US. Patent 6,212,531 B1).

38.   **As to claim 14,** it is an apparatus claim of claims 5. Therefore, it is rejected for the same

reason as claim 5 above.

39.   *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The

examiner can normally be reached on 8 - 5.

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL

faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed,

please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong
January 23, 2004

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